#### REMARKS/ARGUMENTS

Applicants greatly appreciate the withdrawal of the previous rejections.

The new grounds of rejection, based on <u>Einzinger</u>, <u>Vrba</u>, <u>Guerassimoff</u> and WO 02/102158, is traversed.

The rejection critically relies on WO 02/102158. See page 3 of the Official Action dated August 6, 2009. WO 02/102158 was published December 27, 2002, and lists as inventors Jean-Philippe Pascal and Nicolas Palangie, the same inventors as listed herein. In addition, the present application has a US filing date, based on underlying PCT/EP03/14523, of December 18, 2003. Thus, WO 02/102158 was published less than one year before the US filing date herein and, because it is published in the French language, does not have a 102(e) date. In addition, because the present application and WO 02/102158 have identical inventorship WO 02/102158 does not qualify as prior art under 35 U.S.C. 102(a) herein.

In addition to the above, Applicants have attached hereto a certified English translation of their French Priority document, perfecting their claim of priority to December 19, 2002. This date is before the December 27, 2002, publication date of WO 02/102158 and is before the December 20, 2002, publication date of the earliest-published family member thereof, FR 2825896.<sup>2</sup>

4

<sup>&</sup>lt;sup>1</sup> See the attached USPTO flowchart for WIPO publications.

<sup>&</sup>lt;sup>2</sup> See the attached family data for WO 02/102158.

Application No. 10/539,564 Reply to Office Action of August 6, 2009

Accordingly, and as the present rejection critically relies on WO 02/102158 which is not prior art herein Applicants respectfully request the reconsideration and withdrawal of the outstanding rejection and the passage of this case to Issue.

Respectfully submitted,

OBLON, SPIYAK, McCLELLAND,

MAIER & NEUSTADT, P.C.

Tel: (703) 413-3000 Fax: (703) 413 -2220 (OSMMN 08/07)

Customer Number

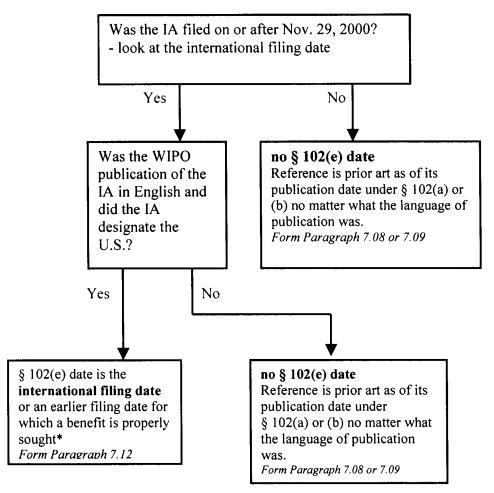
22850

Richard L. Treanor Attorney of Record Registration No. 36,379

### FLOWCHARTS FOR 35 U.S.C. § 102(e) DATES:

# Apply to all applications and patents, whenever filed

Chart II: For WIPO publication of International Applications (IAs)



<sup>\*</sup> Consider benefit claims properly made under § 119(e) to U.S. provisional applications, § 120 to U.S. nonprovisional applications, and § 365(c) involving IAs. Do NOT consider foreign priority claims.

## **Glossary of Terms**: U.S. patent application publication = pre-grant publication by the USPTO under 35 U.S.C. § 122(b) **International application (IA)** = an application filed under the Patent Cooperation Treaty (PCT) § 371 application = an IA that has entered the national stage in the U.S. (35 U.S.C. § 371(c)(1), (2) and (4)) November 29, 2000 = the effective date for the amendments to $\S\S 102(e)$ and 374 **WIPO** = World Intellectual Property Organization WIPO Publication = a publication of an IA under PCT Article 21(2) (e.g., Publication No. WO 99/12345) § 111(a) = provision of the patent code that states the filing requirements for nonprovisional applications § 111(b) = provision of the patent code that states the filing requirements for provisional applications § 119(e) = provision of the patent code that allows for priority claims to provisional applications § 119(a)-(d) = provision of the patent code that allows for priority claims to foreign applications § 120 = provision of the patent code that allows for benefit claims to nonprovisional applications § 365(c) = provision of the patent code that allows for benefit claims to international applications

ANSWER 1 OF 1 WPINDEX COPYRIGHT 2009 THOMSON REUTERS on STN

ACCESSION NUMBER: 2003-156992 [15] WPINDEX
DOC. NO. CPI: C2003-040880 [15]
TITLE: Use of sodium bicarbonate powder as acaricide for human

living areas

DERWENT CLASS: C03

INVENTOR: PALANGIE N; PASCAL J; PASCAL J P
PATENT ASSIGNEE: (SOLV-C) SOLVAY & CIE; (SOLV-C) SOLVAY BELGE SA; (SOLV-C)

SOLVAY SA

COUNTRY COUNT: 99

### PATENT INFORMATION:

PAT	TENT NO	KINI	DATE	WEEK	LA	PG	MAIN	IPC	
WO	2002102158	A1	20021227	(200315)*	FR	13[0]			<
FR	2825896	A1	20021220	(200315)	FR				
ΕP	1401279	A1	20040331	(200424)	FR				
ΑU	2002328292	A1	20030102	(200452)	EN				
ΕP	1401279	B1	20050817	(200555)	FR				
DE	60205629	E	20050922	(200564)	DE				
ES	2248598	Т3	20060316	(200622)	ES				
DE	60205629	T2	20060608	(200638)	DE				
	WO FR EP AU EP DE ES	PATENT NO	WO 2002102158 A1 FR 2825896 A1 EP 1401279 A1 AU 2002328292 A1 EP 1401279 B1 DE 60205629 E ES 2248598 T3	WO 2002102158 A1 20021227 FR 2825896 A1 20021220 EP 1401279 A1 20040331 AU 2002328292 A1 20030102 EP 1401279 B1 20050817 DE 60205629 E 20050922 ES 2248598 T3 20060316	WO 2002102158 A1 20021227 (200315) * FR 2825896 A1 20021220 (200315) EP 1401279 A1 20040331 (200424) AU 2002328292 A1 20030102 (200452) EP 1401279 B1 20050817 (200555) DE 60205629 E 20050922 (200564) ES 2248598 T3 20060316 (200622)	WO 2002102158 A1 20021227 (200315) * FR FR 2825896 A1 20021220 (200315) FR EP 1401279 A1 20040331 (200424) FR AU 2002328292 A1 20030102 (200452) EN EP 1401279 B1 20050817 (200555) FR DE 60205629 E 20050922 (200564) DE ES 2248598 T3 20060316 (200622) ES	WO 2002102158 A1 20021227 (200315) * FR 13[0] FR 2825896 A1 20021220 (200315) FR EP 1401279 A1 20040331 (200424) FR AU 2002328292 A1 20030102 (200452) EN EP 1401279 B1 20050817 (200555) FR DE 60205629 E 20050922 (200564) DE ES 2248598 T3 20060316 (200622) ES	WO 2002102158 A1 20021227 (200315) * FR 13[0] FR 2825896 A1 20021220 (200315) FR EP 1401279 A1 20040331 (200424) FR AU 2002328292 A1 20030102 (200452) EN EP 1401279 B1 20050817 (200555) FR DE 60205629 E 20050922 (200564) DE ES 2248598 T3 20060316 (200622) ES	WO 2002102158 A1 20021227 (200315) * FR 13[0] FR 2825896 A1 20021220 (200315) FR EP 1401279 A1 20040331 (200424) FR AU 2002328292 A1 20030102 (200452) EN EP 1401279 B1 20050817 (200555) FR DE 60205629 E 20050922 (200564) DE ES 2248598 T3 20060316 (200622) ES

### APPLICATION DETAILS:

PATENT NO KIND	APPLICATION DATE
***WO 2002102158 A1***	WO 2002-EP6668 20020614
FR 2825896 A1	FR 2001-8148 20010619
AU 2002328292 A1	AU 2002-328292 20020614
DE 60205629 E	DE 2002-605629 20020614
EP 1401279 A1	EP 2002-762290 20020614
EP 1401279 B1	EP 2002-762290 20020614
DE 60205629 E	EP 2002-762290 20020614
ES 2248598 T3	EP 2002-762290 20020614
EP 1401279 A1	WO 2002-EP6668 20020614
EP 1401279 B1	WO 2002-EP6668 20020614
DE 60205629 E	WO 2002-EP6668 20020614
DE 60205629 T2	DE 2002-605629 20020614
DE 60205629 T2	EP 2002-762290 20020614
DE 60205629 T2	WO 2002-EP6668 20020614

### FILING DETAILS:

PATENT NO	KIND		PATENT NO			
DE 60205629	E	Based on	EP 1401279 A			
ES 2248598	Т3	Based on	EP 1401279 A			
EP 1401279	A1	Based on	WO 2002102158 A			
AU 2002328292	A1	Based on	WO 2002102158 A			
EP 1401279	B1	Based on	WO 2002102158 A			
DE 60205629	E	Based on	WO 2002102158 A			
DE 60205629	T2	Based on	EP 1401279 A			

WO 2002102158 A DE 60205629 T2 Based on

PRIORITY APPLN. INFO: FR 2001-8148 20010619

INT. PATENT CLASSIF.:

MAIN: A01N059-00 IPC ORIGINAL: A01N0059-00 [I,A]; A01N0059-00 [I,C] IPC RECLASSIF.: A01N0059-04 [I,A]; A01N0059-04 [I,C]